

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2015080440

ORDER DENYING MOTION TO
CONSOLIDATE

On June 12, 2015, Los Angeles Unified School District filed a Request for Due Process Hearing in OAH case number 2015060649 (District's Case), naming Student. A joint request for continuance was granted on June 29, 2015. District's case seeks a determination that District's occupational therapy, recreational therapy, and language and speech assessments for the January 2015 triennial individualized educational program team meeting were appropriate, such that Student is not entitled to independent educational evaluations at public expense.

On August 4, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015080440 (Student's Case), naming District. Student alleges that District "failed to provide an appropriate program for [Student] during the 2014-2015 school year" and that "[a]lthough the District offered assessments in most areas of need," District denied Student a free appropriate public education by failing to include a psycho-educational assessment in the assessment plan, such that "the IEP meeting could not address appropriate services and supports." As proposed remedies, Student requests independent evaluations in the areas of psycho-education, occupational therapy, speech and language, recreational therapy, and reimbursement for any educational expenses over the last two years.

On August 24, 2015, Student filed a Motion to Consolidate the District's Case with the Student's Case. On August 26, 2015, District filed a statement of non-opposition.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the District's Case and the Student's Case do not involve a common question of law or fact. Specifically, District's case only concerns whether the occupational therapy, recreational therapy, and language and speech assessments it conducted comply with the legal requirements for such assessments, such that Student is not entitled to independent evaluations at public expense. Although Student's proposed remedies in the Student's Case include independent evaluations in the areas of occupational therapy, recreational therapy, and language and speech, Student's complaint does not allege any facts that indicate those assessments are in dispute or would be logical remedies for the denials of a FAPE that Student's complaint does allege. Student's complaint only alleges that District denied Student a FAPE by failing (in unspecified ways) to provide an appropriate program during the 2014-2015 school year and by failing to conduct a psycho-educational assessment as part of Student's triennial assessment. There do not appear to be any common questions of either law or fact based on the allegations in District's and Student's complaints.

ORDER

1. Student's Motion to Consolidate is denied.
2. All dates previously set for hearing in this matter shall remain as scheduled.

DATE: August 26, 2015

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings